Previous references.

File No. 130 of 07-8

1907

Serial Nos. 1 to 11

(Police

Later references.

Police 121-9 (1 to 11)
121-17 (13, 15, 16, 20, 21)

(49)

GENERAL AND REVENUE SECRETARIAT.

Ug 1311 / 11

Proof

Serial Nos. 1 to 11

Part B. for June 1909

SUBJECT.

alidity of a license granted by a Magistrate to travel with arms on Railway land over which full jurisdiction has been ceded to the British Governmen

Table of contents

49

From the A. A. Resident No 90 & 6-1-08

Questions the validity of a license granted by a Magi travel with arms ~~over~~ on Railway lands over which ull jurisdiction has been ceded to the British Government and states that there is no objection to an arrangement by which in such cases the licensees should not be required to take out a further license when the whole journey lies in Mysore Territory provided that the arms are handed over to the guards of the train under the rules relating to conveyance of luggage and of passengers

R. S. 58

2 To the District Magte, Bangalore No. J 2268-9 27-1-
calls for a report as to the circumstances under which the license was granted

rom the District Magistrate, Bangalore No. S 4978/30-3-0
Invites reference to para 1 of Rule 16 of the Arms rule

To the 7. A. Resident No. Pol 169 8/22-8-08

Requests him to obtain sanction of Government of India for the recognition of licenses issued under the Mysore Arms Regulation, in lands the jurisdiction over which has been ceded by the Durbar to the Government of India.

From the 7. A Resident. No 522 3 8/6-10-08

States that the procedure suggested in his first letter ~~so~~ need not be applied in the case of mpted persons and that no change will be de in the ~~case~~ existing practice; and that similar concession in the case of persons hom the license issued by the Mysore Magte uthorises to go armed in a railway carriage will be made on the assumption that licenses under rule 16 are issued by Mysore Magistrate in very rare cases and that a copy of the license in each such case be forwarded by the Magistrate concerned to the Dt Magte civil & Military Station.

6 To the First Assistant Resident No. Pol. 644 8/22-2-09

Accepts the Resident's views and requests that persons specially authorised under rule 15 of the Arms rules may be treated in the same manner as those specially authorised under rule 16

7 To the 7 A. Resident No 1698 8/18-3-09.

Forwards copy of his letter no. 1697 8/18-3-09 to the Dt Magte of C & M Station, Bangalore issuing instructions in the matter

8 To ~~the~~ the Dt Magte Bangalore No. 3718 8/20-5-09

Returns the application of Kasim Sab

9 To the D.G. of Police, the Dt Magtes and the heads of depts. No. 9 3849-88 8/14-6-09.

Lays down instructions in accordance with the 7. A. Resident's letter to the Dt Magte C&M Station

10 To the Compilers, Mysore Gazette No. 9 3889 8/14-6-0

Notifies the arrangement

P.T.O

G.R.S. 11] 1907.

GENERAL AND REVENUE SECRETARIAT

(Police)

NOTES.

File. No. 130/07

FILE HEADING.

Validity of a license granted by a Mysore Mag to travel with arms on Ry. land over which full jurisdiction has been ceded to the British Govt.

From

The 7. A. Resident

No. 90 Dated 6.1.08 Received 7.1.08

Diary No. J/1727	Encls.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Questions the validity of a license granted by a
agte. to travel with arms on Ry. lands over which full ju
iction has been ceded to the British Govt. and states
t there is no objection to an arrangement by which,
such cases, the licencee should not be required to take
et a further license, when the whole journey lies in Mysor
ritory provided that the arms are handed over to the
ard of the train under the rules relating to conveyan
luggage & passengers.

NOTES AND ORDERS.

1 It is stated that one Kasim
Sab of the Bangalore City travelled (with arms) from
Bangalore City to Nangali in the

Notes—First sheet.

GPE—30,000—20-3-06.

Serial No.

Mulbagal Taluk under cover of a licence granted by the Dt. Magte. of Bangalore. The ~~Police~~ Ry. Police raised objection to the validity of the license. The Resident thinks that the Police were justified in objecting to the license as the Mysore Magte. cannot authorise a person to travel with arms on Ry land over which full jurisdiction has been ceded to the British Govt. The A. A. Resident however suggests that there is no objection to an arrangement being made whereby the licensee in such a case should not be required to obtain a further license when the journey lies wholly in Mysore Territory provided he hands over the arms to the Guard of the train under the rules relating to the conveyance of luggage & passengers. If the proposal be acceded to it is suggested that the Dt. Magte may be directed to

NOTE—Contn sheet.

GPB—50 000—17-3-07

Serial No.

add a foot note to ~~the~~ such licenses granted by them requi-ing the licensees to hand over their arms to the guard of the train. The Railways over which full jurisdiction ~~is~~ has been ceded are :-

Vide G.O. no. 4738-70-J/129 9/26-2-97

(1) Bangalore Branch of the Madras Railway
(2) Kolar Gold fields Railway
(3) Mysore State Ry. from & including Hariher Ry. State to and including Bangalore City Ry. Station
(4) From Yeswantpur Junc to the frontier of the State on the Bangalore-Hindupur Section of the Mysore State Ry

Subo. for orders.

7C Vide J.F. no 12 of 1892-93

B.G. 11.1.08. SN

6/1/08

What is the rule in British India? Are the licensees there required to make over the arms to the guard of the train?

18.1.08. WWS

6/1/08

3 Subo. The British Arms Rule seem to be silent on the point. Nothing

NOTE—Contn sheet.

Serial No.

seems to have been said as to the manner in which arms covered by a journey license are to be conveyed when the journey is to be performed wholly ~~or~~ partly by railway. But one of the conditions subject to which the license is granted is that the holder thereof should not go armed in railway carriages. The Ry. Cos may perhaps have their own rules regarding the carriage of fire arms.

B.G. 18.1.08. JFF 20/1/08

4 Rule 16 of the Rules empowers a magistrate of a district to grant a license for a journey - Such license is valid in other jurisdictions - A holder thereof is not to go armed in a railway carriage unless specially authorized by the officer granting it - This rule is similar to Rule 14 of the Rules in force in British India

5 It is not quite clear whether as stated in para 2 of the Residency letter, a district magistrate has no authority to issue a license which can be considered as valid on Railways -

GPB—50 000—17-3-07

Serial No.

6 The condition that in every case, the licensee is to make over the arms to the guard of the train seem to be needlessly rigorous

Secy) 22.1.08 WMD

1) I think we may ask the Dt magte Bangalore to report the circs under which the license in question was granted & to forward the correspondence if any. on the subject for perusal.

2) See if the Railway Rules prescribe that arms should be handed over to the guard

WMD.

7 1) Put up draft, please. 23/1/08

2) What do the Rules say?

23.1.08. WMD.

9 (1) Subo. with a draft to the Dt. Magte. Bangalore

(2) Information will be collected & put up after the receipt of reply from the Dt. Magte.

B.G. 24-1-08 WMD 24/1/08

Issue

25.1.08 WMD

10

2 (2) Subo. with a draft to the Dt. Magte. Bangalore No. J 2268 &/ 27.1.08.

Calls for a report as to the cir-

NOTE—Contn sheet.

GPB—50 000—17-3.07

Serial No.

circumstances under which the license was granted.

3 From The Dt. Magte. Bangalore no. S 497 D/30-3-08 Invites reference to para 1 of Rule 16 of the Arms Rules.

71 X

10 A copy of the Madras Rly. Guide is put up. There seems to be no special provision for fire arms in the luggage Rules. Subd with copies of the Arms Act and the Rules thereunder, the Mysore Arms Rules and the Rly Act.

71 T

71 -

71 X

71-A

B.G. 14.08. SW 7/4/08. // Submitted to the Secretary.

9.4.08. WWW

12 I think the arrangement suggested by the Residency may be adopted. The term "in other jurisdictions" occurring in Rule 16 refers to jurisdictions of Dt magts in mysore & not to British territory. The similar expression occurring in the B. Indian rules also ~~means, Emphasis~~ applies, Emphasis only to British India & not to native states.

Dewan through Resr

CSB 4/5/08

WWW 12.5.

NOTE.—Cont'd sheet.

GPB—50,00017—3-07

Serial No. 645 12.5.08

13

Full jurisdiction having been ceded to the British Govt on the Railway line the license granted by the Magistrates would not extend to the carrying of arms over the Railway line. The arrangements suggested in the Resident's letter appears to meet all requirements and may be accepted.

H.W.M. 12/5/08

WWD 12.5

Thro' the 2nd Councillor 12/5/08

6822 12.5.1908

14

1. I agree with the 2nd Councillor.

2. I would even make the proposed foot rule applicable to all Railway journeys in Mysore. There is no reason why a passenger travelling with a gun by Railway from Mysore to Bangalore should not be required to keep it in the Guard's Brakevan but should have the liberty to keep it with him to the embarrassment of his fellow passengers. — Thos Edwards 8

WWD 18.5 9105 20.5.08

Note.—Contd. on sheet.

GPB—50,00017—3-07

G. R. S. 12]
General and Revenue Secretariat.

Police File No. 130 of 1907

Serial No.

15 Resubmitted to the 1st & 2nd Crs, with another draft. On further consideration the views expressed in the previous draft appear open to question & in the present draft it is proposed to ask the Resr to recognize licenses issued under the Arms Regn on railway lands &c.

Secr)

C.S.B. 23/7/08

16 I think we should endeavour, on grounds of public policy & convenience, to obtain the recognition of the British Govt to the existing arrangement. The further representation proposed may, therefore, be approved.

Do Secretariat 24/7/08

H.E. 24/7

7/8/10 17 The new draft may be approved.

H.M. 7/8/08

18 If the Dewan pleases the subject may be discussed when we meet. I do not think that the Residency objection extends to persons exempted from taking out licenses.

13 Aug 08

10082 14-8-08

NOTE.—Contn sheet.

GPB—50,00017—3-07

G. R. S. 12]
General and Revenue Secretariat.

Police File No. 130 of 1907

9

Serial No. 19

Dewan's adv

The draft may issue
18/8/08
Dy Sec
Sd/- 18/8/08

4 To
The A. Resident.
No Pol 168 Dy 22-8-08
Requests him to obtain the sanction of the Govt of India for the recognition of licenses issued under the Mysore Arms Regulation in lands, the jurisdiction over which has been ceded by the Durbar to the Govt. of India.

5 From The First Assistant Resident
no. 5223 Dy 6.10.08
States that the procedure suggested in his first letter need not have been applied in the case of excepted persons & that no change will be made in the existing practice; and that a similar concession in the case of persons whom the license issued by the Mysore Magte authorises to go armed in a railway carriage will be made on the assumption that licenses under rule 16 are issued by Mysore Magistrates in

10

Note.– Contn sheet.

GPB–50,00017–3-07

Serial No.

very rare cases & that a copy of the license in each such case be forwarded by the Magistrate concerned to the Dt Magte, civil & military Station.

20 Subd. for orders.

KN. 13.10.08

21 The Residency agrees that, with regard to persons exempted from the operation of Mysore Arms Regn., the present arrangement may continue without any restriction being imposed. With regard to license-holders, a distinction is suggested between licenses issued under rule 16 & other rules. The Resident- License-holders under Rule 16 need not give up the arms to the guard of the train if a copy of the license is forwarded in each case by the Magistrate issuing the license to the Dt. Magte. C & M Station. But other license-holders must give up arms into the custody of the guard of the train, while travelling. This is the arrangement suggested by the Residency. But even under rule 15, the magistrate

NOTE—Contn sheet.

Serial No.

may specially authorise the licensee to travel armed in Railway carriages. Even such license-holders must, under the proposed arrangement, hand over their arms to the guard of the Trains.

Under (cl)

8PK 14.10.08

27 The arrangement suggested by the Residency may, I think, be agreed to. Special authorization under ~~Sec~~ Rule 15 of the Rules under the arms act is likely to be very rare & there is not perhaps much hardship in requiring such license holders to keep their arms in the guard van during the Railway journey. It may however happen that guns are not always carried in cases or otherwise packed, but ~~that, now~~ the Railway authorities may not have any objection to take charge of such guns. 10/

23 The arrangement in re licenses under Rule 16 appears to be fair & the Residency do not propose to interfere with exempted persons.

CSB 15/10/08

Secy 24 Please draft a reply accepting the arrangement, with suitable acknow-

NOTE—Contn sheet.

GPB—50,00017—3·07

Serial No.

Judgments for the concessions offered
25 While we are about it, we may
get the Special cases under Rule 15
treated in the same way as those
under Rule 16. An announcement may
be given that Special cases (under both
Rules) can only be allowed where
exceptional.

20.10.08

26 Subo. with a draft to
the A. A. Resident.
B.G.
29.10.08.

(under Secy.) 31.10.08
31/10/08

27 Draft revised. Please put up
fair draft.

CBB
3/11/08

28 Fair draft Subo; to Secy

3/11/08

CBB
3/11/08

Demi-official 20.10

5.11.08

5/11/08

10836 29
10/11/08 May be approved

13

3/11/08

9.11.08

30 Returned as
Please put up a copy of the rules under the
Arms Regulation

11/2/09

16/2/09

31 Necessity put up.

12/2/09

NOTE—Contn. sheet.

GPB—500017—3-07

Police File No. 130 of 1907-08.

Serial No.

6 To
The 7-A-Resident no Pol 694 Dt 22-2-09

Accepts the Resident's views & requests that persons specially authorised under Rule 15 of the Arms Rules may likewise in the same manner as those specially authorised under Rule 16.

7 From
The 7-A-Resident no. 1698 Dt 18-3-09

Forwards copy of his letter no 1697 Dt 18-3-09 to the Dt. Magte., C. & M. Station, Bangalore, issuing instructions in the matter.

32 It is apparent from the letter that the Residency has agreed to grant specially authorised persons under Rules 15 & 16 alike. Subo. with a draft order and a draft docket to the Dt. Magte. Bangle.

B.G. 31-3-09 33 Please put up draft as personally instructed

31/3 3/4/09

34 Subo. with a revised draft as directed. 35 Please put up separately applications and proceedings as personally instructed 6/4

B.G. 5-4-09

Note—Contn sheet.

(PPB—50,000—17-3-07)

Serial No.

36 Resubd. with a draft notification and a revised draft proceedings.
B.G. 6.4.09 SW 7/4/09

37 The Residency has agreed to treat all cases alike viz Persons Exempted and those Specially authorised under ~~Sec~~ rules 15 and 16 of the Arms Regulation are all to be permitted to carry arms in Railway Carriages. Those who are not so authorised will have to deposit them with the Guard.

38 A draft notification for publication in the Gazette for general information and draft proceedings are submitted.

39 a letter of acknowledgment may also be sent to the Residency

If approved, draft will be submitted. Not necessary, I think

7/4/09 SW 15

Secretary). The draft orders and notification may be submitted.

[The Office should draft the letter to Secretary, G.A.D., & get it passed in this office forms.]

231/17.4.09 41 Orders issued

Note—Contn. sheet.

GPB—50.000—13-5-08

P. W. 3/4

42 Noted 3/4

Police file no 180707 15

Submitted to His Highness.

43

These papers relate to the question how far licenses granted by Magistrates in the Mysore State to travel with arms can be regarded as valid on Railway lands in Mysore over which plenary jurisdiction has been ceded to the British Government.

44 2. In his letter No.90 dated the 6th January 1908, the First Assistant to the Resident stated that the Madras Railway Police objected to the validity of a license granted by the District Magistrate of Bangalore District to one Kasim Saib of the Bangalore City to go armed on a journey from Bangalore City to Nangali in the Mulbagal Taluk, Kolar District. The Hon'ble the Resident thought that the Railway Police were justified in their objection in as much as exclusive jurisdiction had been ceded to the British Government over the area in question, and was further pleased to suggest that instead of requiring every holder of a license from a Mysore Magistrate to take out an additional license from the District Magistrate of the Civil and Military Station of Bangalore in

Police file no 180 1/2 7-8

whom the jurisdiction over Railway lands vests, the said license holder might be required to hand over his arms to the guard of the train in which he is travelling, to be kept by the guard during the journe and to be returned by him at its end.

45 3. The Durbar admitting the correctness of the objection, pointed out among other matters that it would be irksome and vexatious and also inconvenient besides entailing some loss of prestige to persons and officers exempted under the Mysore Arms Regulation, to deposit their arms with the Railway guard, as well as to seek for a license from Civil and Military Station authorities. The undesirability of the Police and Military officers of the State while escorting treasure and prisoners divesting themselves of their arms for the purpose of depositing them with the guard of the Railway train was also pointed out to the Resident.

17

46 4. As a result of the above representation and subsequent discussion, the Hon'ble the Resident proposes to issue to the District Magistrate of the Civil and Military Station, Bangalore, the instructions noted below:-

(1) Persons who are exempted from the provisions

Police file No. 1804 for 36

of sections 8 to 11 of the Mysore Arms Regulation will as heretofore, retain their arms in their own immediate possession while travelling in a railway carriage.

(2) Persons specially authorised either under rule 15 or 16 of the Rules issued under the Mysore Arms Regulation to go armed in a Railway carriage should also be permitted to retain their arms in their own possession while travelling by rail within the limits of the State.

(3) Persons holding a license in Form IV or V (granted under Rule 15 or 16, as the case may be, of the Mysore Rules) but not specially authorised to go armed as described in clause (ii) above should be requested to deposit their arms with the guard in charge of the train under the rules for the conveyance of the luggage of passengers.

47 5. Under this arrangement, the Residency have agreed to treat alike persons exempted and persons 19 specially authorised under rules 15 and 16 of the Mysore Arms Regulation and to permit them to carry arms in their respective Railway carriages. Those who are not so exempted or authorised will have to deposit their arms with the guard.

48 6. These proposed rules are embodied in the

Police File No. 1804/7-00

draft Notification which may be approved.

Police file No 13 of 07 18 19

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Arrangements in regard to the carriage of arms by passengers during journeys on Railways within the State the jurisdiction over which has been ceded to the British Government.

901 49

Order.

Approved

~~KRW~~

11/5/09

108 Secy

20

50

7/5/9 Seen

15/5/09

G. R. S. 12]
General and Revenue Secretariat.

Police File No. 130 of 1907-08 20

Serial No.

Subd with a draft to D/ magts prescribing footnotes to Licence forms IV V.

SN 18/6/09

Issue 19/6/09

1 Rec 21-1-09

8 To The D.C. Mangalore. no 3718 D/ 29.5.09
Returns the application of Kasim Sab.

9 To The S.P. Nilgiris & The D.C. Nilgiris & Dkpts.
no. J 3849-88 D/ 14.6.09
Lays down instructions in accordance with the G.O. Resident's letter to the D.C. Nilgiris. C. & M. Station.

10 To The Compiler, Mysore Gazette.
no. J 3889 D/ 16.6.09
Notifies the arrangement.
Mysore Gazette 17th June 09 Part I Page 220

11 The D.C. Nilgiris. no. J 4035-42 D/ 24.6.09
Issues instructions as to the adding of a foot note to licenses in forms IV & V.

To the Supdt. Govt. Press & Saliengry
J 4043 D/ 24.6.09.
Forwards copy of the above with the request that spare copies of the foot note be printed & supplied to D.C. Nilgiris.

NOTE—Contn. sheet.

GPD—50,000—13-5-08

Vol: 875

D 7-1-08

No. 90

file no. 130
sl no. 1.

FROM

F. P. RENNIE, Esq., I. C. S.,

FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 6th January 1908.

SIR,

I am directed to bring to the notice of the Durbar the case of one Kasim Saib of the Bangalore City who was granted by the District Magistrate of Bangalore a license to armed on a journey from Bangalore City to Nangali in the Mulbagal Taluk of the Kolar District. The Police raised objections to the validity of this license and the question has arisen as to whether such licenses granted by a District Magistrate of the Mysore State authorise the licensee to travel with arms on the railway lands over which, as the Durbar are aware, full jurisdiction has been ceded to the British Government.

92

2. The Resident, I am to say, cannot but think that the Police were justified in their action, for, obviously such licenses cannot be considered to be valid on the Railway lands in question since to hold the contrary would imply the exercise to some extent, by a District Magistrate in Mysore, of jurisdiction over the Railway which he does not possess, as exclusive jurisdiction has been ceded to the British Government over the area in question.

3. The Resident, however, sees no objection to a arrangement by which where a District Magistrate in Myso has given a license for a journey, the licensee should n be required to take out a further license when the whole journey lies in Mysore territory, provided that the arms made over to the guard of the train under the rules relat to the conveyance of luggage of passengers.

4. If the Durbar agree to this proposal, I am to suggest that a foot note should be appended to licenses granted by the District Magistrates of the State requiring p persons so licensed to hand over their arms to the guard of the train on all journeys on railways, over which the jurisdiction has been ceded to the British Government.

I have the honour to be,

S i r,

Your most obedient servant,

First Assistant Resident

G.R.S. 26]

Police

File No 130

Serial No 2

Diary No. of letter replied to _____

No. J. 2268

General and Rev. Secretariat

( )

, the 190 .

Date of issue 27-1-08

Signed by M K Mylarrao

To

The District Magistrate of
the Bangalore District
Has the honor to
state that it has been
brought to notice that in
the case of a license to
be issued on a journey
from Bangalore City to Nangali
via the Hubbagal Taluk
of the Kolar Dt. granted
by the Dt. Magte of
Bangalore to one Kasim
Sab of the Bangalore City,
the Ry. Police raised
objections to the validity
of such a license on
the railway limits &
that a question has then

SUBJECT.

-fore arises as to whether a
licence granted by a Mysore Magistrate can
authorise the licensee to travel
with arms on the railway lands
over which jurisdiction has been
ceded to British Govt. The Dt.
Magte. is accordingly requested
to report the circumstances
under which the licence referred
to above was granted and to forward
the correspondence, if any, on
the subject for reference.

By Order

for Secretary

List of enclosures,

Copied by

Examined by

Office of the District Magistrate, Bangalore,

S.No.497 E-1 Dated Bangalore, 30th March 1908.

From

B. J. Kumarasamy Naik Esquire B.A.,

District Magistrate, Bangalore.

To,

C. S. Balasundram Aiyar Esquire B.A.,

Offg: Secy. to the Govt. of H.H. the Maharaja of Mysore,

General and Revenue Departments.

Sir,

With reference to your docket No.J.2268/Police 130-07-2 dated the 27th January 1908, questioning the authority under which the Journey License was issued to one Kasim Sab of Bangalore to go armed in Railway Carriage, I have the honor to invite your kind reference to para 1 of Rule 16 under the Mysore Arms Rules published with No.J.1872/Police Mis.65 dated 26th December 1905.

The application for the License is enclosed for reference and kind return.

I have the honor to be,

Sir,

Your most obedient servant,

For District Magistrate.

Govt. III 4/14 J 2367

1907. 8. file no. 1
Sl no 3

From

The Dist. Magistrate
Bangalore Distt.

To

The Secy. to the Govt. of Mysore
Genl. Deptt.

Dated 30th

Despatched March 1908.

Received

General No.
S No. 497

Enclosure No. 1

His No. J2268 of 27.1.08
Pol. 130.07.2

—

I refer to para of Rule 6 under Arms Rules in the matter of the grant of Journey Licence to one Kasim Sab Bangalore

2541 ar Police 130-07
8(2034

From)
The Secretary to the Govt of H.H.
the Maharaja of Mysore, Genl.,
and Rev. Departments.

To -
The First Assistant to the Hon'ble)
the Resident in Mysore.

Pol.No: 169 dt 22-8-08

Sir,

With reference to your letter No.90 dated the 6th January 1908 regarding the carriage of arms on railways journeys in the State under licenses granted by the District Magistrates of the Durbar, I am directed to convey the following views of the Durbar on the subject for the consideration of the Hon'ble the Resident.

2. The Durbar are in accord with the view of the Hon'ble the Resident that full jurisdiction having been ceded to the British Government over certain lines of Railway in the State, it is not open to the State authorities to exercise any jurisdiction therein. Applying this strict view to the case in question the District Magistrate of Bangalore had no power to grant a license for carrying arms on a journey by a railway, the jurisdiction over which had been ceded to the British Government; the license therefore had no validity and the Railway Police

would have been justified in treating the case as one of unlicensed possession of arms. Strictly speaking the person carrying the arms ought to have obtained a license from the District Magistrate of the C & M Station for going armed on the railway journey; but as ~~has been recognised by the Honourable the Resident~~ is evidently recognized in para 3 of the letter under reply, such a course would give rise to needless inconvenience to the public. ~~A~~ The suggestion ~~has been made~~ is therefore that an arrangement should be come to under which a licensee of the State authorities should not be required to take out a further license when the whole journey lies in ~~the~~ Mysore territory, provided that the arms are made over to the guard of the train under the rules relating to the conveyance of luggage of passengers.

3. While the course suggested would no doubt cause less inconvenience than if the license of the District Magistrate of the Civil and Military Station were required in all cases, it appears to the Durbar that the arrangement in question involves much inconvenience in several ~~aspects~~ respects and ~~is open to objection on other grounds also~~ does not meet all requirements fully.

4. It does not appear that the Railway Act or the bye-laws of the Railway Companies contain any provision

for the guard of a train taking charge of the arms of passengers. Even if the arms are left in the custody of the guard as suggested in the letter under reply the legal possession of the arms would still vest in the owners and such possession would still be unlicensed. Further if a license granted by a District Magistrate in Mysore has no validity in Railway lands, the same argument would invalidate exemptions granted under the Mysore Arms Regulation. As the Hon'ble the Resident is aware, officers serving in various departments of the State are obliged to constantly travel by rail from one place to another in the ~~Province~~ State in the course of their official duties, and several of these officers are exempted from the provisions of sections 8 to 11 of the Arms Regulation. On their journeys by rail such officers take their arms with them for purposes of sport or protection or for the discharge of their official duties and it would be neither convenient to them personally nor consistent with their status as officers that they should hand over their arms to the guard of the train for custody. It would be exceedingly irksome and vexatious if a high officer of the Durbar, say, a member of Council, a head of a Department , a Deputy

Commissioner

Commissioner or a Superintendent of Police is required to hand over his rifle or revolver or sword to the guard of a train or if policemen or barkandazes escorting prisoners or a remittance of treasure are similarly deprived of their arms. It need hardly be said that any such arrangement will greatly tend to lower the prestige of the Durbar and their officers in the public estimation.

It would also be highly inconvenient if in all such cases a license should have to be obtained from the District Magistrate of the Civil and Military Station.

6. ~~The Hon'ble the Resident is aware of~~ Considering the circumstances under which the Durbar gave up their jurisdiction over the railway lands to the British Government, and the fact that the cession was mainly based on considerations of administrative convenience, the Durbar have every hope ~~trust~~ that a measure adopted for furthering administrative convenience will not be allowed to operate ~~used~~ in a manner likely to cause great inconvenience and loss of prestige to the Durbar.

99

7. The Hon'ble the Resident is aware how under an arrangement made in 1881 and formally sanctioned by

the Government of India in 1884 all criminal processes issued respectively by the Mysore and the C & M Station authorities are reciprocally recognized and executed. It may be observed that a similar arrangement has been practically in existence since the rendition in the matter of arms licenses and it is only now that the validity of licenses issued by the Durbar authorities has been called in question. The Durbar would therefore request that the arrangement hitherto in force in this respect might be formally sanctioned by the Government of India and the operation of licenses and exemptions under the Mysore Arms Regulation recognized in lands the jurisdiction over which has been ceded by the Durbar to the Government of India.

I have etc

30

J 914

Police 180-07-5

No. 52232—1

FROM

P. L. MOORE, Esq., I. C. S.,

OFFG. FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To —

The Dewan of Mysore.

Dated Bangalore, 6th October, 1908.

SIR,

I am directed to acknowledge the receipt of Mr. Chandrasekhara Iyer's letter No.169 dated the 22nd August 190 regarding the carriage of arms on railway journeys in the Sta under licenses granted by District Magistrates in Mysore.

2. The Durbar, while agreeing in the view that license granted by the District Magistrates for carrying arms on a journey can have no validity over railway lands which are und British jurisdiction, are apparently not in favour of the suggestion that such arms should be handed to the Railway Guard for safe custody in the course of the journey. The main grounds which appear to have weighed with the Durbar against the adoption of this course are the following:- 31

(1) Neither the Railway Act nor the bye laws of the Railw Companies contain any provision for the Guard of the train taking charge of the arms of the passengers;

(2) Even if the arms are left in the custody of the Guard

Guard as suggested their legal possession would still vest in the owners and such possession would still remain unlicensed, and

(3) the suggested arrangement would operate in a manner likely to cause inconvenience and loss of prestige to Officers exempted from taking out licenses under the Mysore Arms Regulation.

3. With regard to the first of these objections I would point out that under rule 100 of the General rules of the Madras and Southern Mahratta Railway Company, (a copy of which is enclosed), all packages of whatever description belonging to passengers are to be treated as luggage and packages containing arms can presumably therefore be placed in charge of the Guard as luggage.

4. As regards the second objection, the object of the provisions of the Indian Arms Act and of the Rules issued there under, as in force in the Railway lands, is to regulate and control actual and physical, and not legal or constructive, possession of arms.

5. In regard to (3) the argument relates to two classes of persons, viz., (a) those authorized by licenses to carry arms on a journey, and (b) those who are members of exempted classes and who, by virtue of such general exemption, are eligible to possess and carry arms.

32

6. In this connection I am to state that the procedure described in Mr. Rennie's letter No.90 dated the 6th January

1908, had reference only to persons going armed under licenses granted by Magistrates in Mysore and was never intended to apply to Officers of the Durbar exempted under the Mysore Arms Regulation. The Resident fully recognizes the force of the Durbar's remarks about the inconvenience and loss of prestige which would result if the procedure suggested in this office letter cited above were applied in the case of exempted persons; and since the Durbar have raised the point, I am to say that it gives Mr. Fraser much pleasure to intimate that no change will be made in the existing practice.

7. The Resident is prepared to make tentatively a similar concession in the case of persons whom the license issued by the Mysore Magistrate specially authorizes under rule 16 of the Durbar's Arms Act Rules, to go armed in a railway carriage and to instruct the British Railway Police not to insist upon the arms of such persons being deposited with the railway Guard on the assumption that licenses under Rule 16 are issued by Mysore Magistrates in very rare and exceptional cases only and on the condition that a copy of the license in each such instance be forwarded by the Magistrate concerned to the District Magistrate, Civil and Military Station, for information.

33

I am to request that I may be informed whether this procedure meets with the Durbar's concurrence.

With regard, however, to the majority of cases where, under the Mysore Rules, the license holder is not permitted to

to carry his arms with him in a railway carriage, the procedure indicated by this Residency must be observed if only to ensure that the intention of the Magistrate granting the license is given effect to.

I have the honour to be,

S i r,

Your most obedient servant,

Offg: First Assistant Resident.

RG

S.I.

ARTICLES ACCEPTED AS LUGGAGE.-- Except as mentioned below in clauses (a to k) all packages of whatever description belonging to passengers, whether taken by them into the carriage or not, are treated as luggage when booked to accompany them by Passenger or Mixed Trains, no distinction being made between personal and ordinary luggage. Holders of season tickets are not permitted to take with them articles of merchandize as passengers' luggage but simply the customary personal requirements of a passenger.

(a) Packages or baskets containing cats, rabbits, pups or kitten accompanying a passenger are not considered as Luggage, but are charged for at Parcels rates, see para 142.

(b) Hides, skins, dry fish shoera, ghee, oil and other goods likely to be offensive to Passengers or to cause damage are not carried as passengers' luggage but only as goods.

(c) Treasure (including copper coins) is carried by Passenger Trains under the conditions and rates mentioned in paras. 166 to 174.

(d) Opium will be booked at full Parcels rates on Risk Note Form B being executed, in the absence of a risk note it should be insured. For rules regarding the acceptance of opium, see para 223.

35

(e) Indigo is carried by Passenger Trains at full parcels rates.

(f) Dangerous or explosive articles are carried by Passenger Trains at Parcels' rates under the conditions mentioned in paras 221 and 222.

(g) The Company reserve the right to refuse to receive for

for conveyance, as Luggage by Passenger train packages which exceed three maunds in weight or which exceed five feet by four feet in size, bulky pieces of furniture or any articles which they consider otherwise to be unfit to carry as Luggage by Mail or Passenger Trains.

(h) Bicycles, tricycles, perambulators and jinrickshaws although exceeding the dimensions stated above are charged at the rates and conditions quoted at paras 156 to 161. Bicycle may not be taken into the compartment with the owner unless the compartment or carriage is fully reserved.

(i) Money as Passengers' Luggage.-- If money taken in charge of a passenger does not exceed the weight of free allowance of luggage it can be carried free at the risk of the owner. If the free allowance is exceeded by the weight of a passenger's treasure, with or without his other luggage, the treasure must them be charged at treasure rates without free allowance. The free allowance of only one person can be applied to a single package of treasure, for instance, three passengers with a free allowance of 45 seers cannot be permitted to take one package of treasure of that weight, but may take one package weighing 15 seers each, see para 174.

(j) Cawvadies, Native Pilgrims.--Cawvadies, used by native pilgrims or byragees, must not be placed in passenger carriages, but must be booked as passengers' luggage carried in the brake van.

(k) Goods such as casks, whether loaded or empty, heavy pieces of planks, timber, logs of wood, and bags of grain will not be accepted for booking as Passengers' Luggage by Mail or Passenger Trains.

S.I.

jurisdiction has been ceded to the British Government.

2. The Durbar are ~~very~~ thankful to the Hon'ble the Resident for the assurance contained in para 6 of the letter under reference, that no change will be made in the existing practice in regard to persons exempted from the operation of the Mysore Arms Regulation and the rules issued thereunder. 3. They also have much pleasure in accepting the arrangement proposed tentatively in para 7 in regard to persons specially authorized under Rule 16 of the Mysore Arms Rules to go armed in a railway carriage, viz. that the British Police will be instructed not to insist on the terms of such persons being deposited with the guard on condition that copies of licenses issued by District Magistrates in Mysore

List of enclosures Nil

Copied by

Examined by

District Magistrate, Civil & Military Officers as well as Sub-Magistrates can also issue licenses

MGCPB—30,000—16-2-05.

Fair draft.

G.R.S. 26]

police File No. 13

Serial No. 6

Diary No. of letter replied to _____

Pol: No. 694-

General and Revenue Secretariat

( )

, *the* 190 .

To

The First Assistant to the
Hon'ble the Resident
in Mysore.

Date of issue 22-2-1909

Signed by _____

Mr. C.S. Balasundaramiyer

Sir,

I am directed to acknowledge the receipt of Mr. Morris's letter No. 5223 dated the 6th October 1908, communicating the views of the Hon'ble the Resident regarding the Carriage of arms by licensees and persons exempted under the Mysore Arms Regulation on journeys by railways situated in Mysore territory over which

jurisdiction

SUBJECT.

37

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation Sheet draft form)

rule
under ~~section~~ 16 of the Arms Rules
~~should be~~ are forwarded to the
District Magistrate of the C & M
Station, Bangalore. In this
connection I am to invite a re-
ference to rule 15 of the
Rules under the Mysore Arms
Regulation, under which holders
of licenses in Form IV may be
specially authorized in the same
manner as under Rule 16 to
go armed in railway carriages.
~~I am to assure the Hon'ble the~~
~~Resident that special authoriza-~~
~~tion under Rule 15 will as~~
~~under Rule 16 be granted only~~
~~in rare and exceptional cases.~~
~~In these circumstances the~~
~~Durbar would not see any con-~~
~~sideration that the concession~~
~~obtained by licensees under~~
~~Rule 16 may also be ex-~~
~~tended to those authorized~~
~~under Rule 15 subject to~~
~~the~~ condition that copies of
such authorizations are sent
to the District Magistrate C & M
Station, Bangalore. 38

5-4 3. In other cases, the
Durbar have no objection to

(The 2nd Mysore Bn. 3)
~~to be~~ will be instructed
to exercise discretion
carefully in the issue of
such licenses and to
issue them in rare and
exceptional cases only.

and to request that
the arrangement
referred to in the
preceding paragraph
may be extended
~~to the officers of troops~~
to this class of persons
also subject to the

The licence issued by the
Superintendent does not permit the
licensee to carry arms with him in
railway carriages, and

MGCRB—30,000—5-1-05.

11.

the enforcement of the condition that the licensees shall deliver over their arms to the railway guard when travelling by railway, as suggested in Mr Rennie's letter No. 90 dated the 6th January 1908.

To draw the attention of licensees holders to the conditions a note to this effect will be added to the licence forms

I have etc

Secretary

CGB
3/11/08.

3/11/08

17/2/08

copied
SK

J 2378

No. 1697. File no. 18 Sl no. 7

Encl 2

FROM

T. B. COPELAND, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The District Magistrate,
Civil and Military Station of Bangal

Dated Bangalore, 18th March 1

SIR,

With reference to the correspondence ending with your letter No. 4092, dated the 4th November 1907, regarding the carriage of arms on railway journeys in Mysore Territory under licenses granted by the District Magistrates of the Durbar, I am directed to forward herewith, for your information a copy of the marginally noted communications on the subje and to request that instructions to the following effect may now be issued to the British Railway Police employed und your control:-

Letter No. 5223, dated the 6th October 1908 to the Mysore Durbar.

Letter No. 694, dated 22nd February 1909, from the Mysore Durbar

(i) Persons who are exempted from the provisions of sections 8 to 11 of the Mysore Arms Regulation will, as heretofore, retain their arms in their own immediate possession while travelling in a railway carriage.

(ii) Persons specially authorized either under rule 15 or 16 of the Rules issued under the Mysore Arms Regulation to go armed in a Railway carriage, should also be permitted to retain their arms in their own possession while travelling by rail within the limits of the State

(iii) Persons holding a license in form IV or V(granted under Rule 15 or 16, as the case may be, of the Mysore Rules) but not specially authorized to go armed as described in clause (ii) above should be requested to deposit their arms with the guard in charge of the train under the rules for the conveyance of the luggage of passengers.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/ T. Copeland

First Assistant Resident.

Copy
Sent to the Dewan
with my
letter
No. 1388
dated
18-3-09.

No. 1698.

A copy of the foregoing letter is forwarded herewith, to the Government of His Highness the Maharaja of Mysore for information with reference to the correspondence ending with Mr. Balasundaram Iyer's letter Pol. No. 694, dated the 22nd February 1909.

T. Copeland

First Assistant Resident.

G.R.S. 26]

Police
File No. /
Serial No. 4

Diary No. of letter replied to 2878

No. J 3718
Enc 1
8/29/5/09

General and Revenue Secretariat
( )
, *the* 190 .

To
The Dt. Magte. of the
Bangalore Dt.

Date of issue 24-5-09

Signed by Jas S Hariyamaiya

Has the honor to return herewith the license application of Kasim Sab received with his letter no. 497 dated the 30th March 1908.

By Order
for Secretary

B.G.
27.3.09

SUBJECT.

Cr 122/15

41

criminal jurisdiction has been ceded to the British Govt.:-

(1) Persons who are exempted from the provisions of sections 8 & 11 of the Mysore Arms Regulation may, as heretofore, retain their arms in their own immediate possession while travelling in a railway carriage within the Mysore territory.

(2) Persons specially authorised either under Rule 15 or 16 of the Rules issued under the Mysore Arms Regulation to go armed in a railway carriage may also retain their arms in their own possession while travelling by railway within the limits of the State.

G.R.S. 28]

Police
File No. / 30-9
Serial No. 8

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

READ

, *the* 190

Date of issue

Signed by

J 3849-88
pdin 13008-9
8/4/6/05

ORDER ~~THEREON~~.—No.

The following arrangement has been entered into by the Durbar with the Hon'ble the British Resident in Mysore in regard to the carriage of arms during journeys on railways over which

over

SUBJECT

42

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

Mysore should exercise ~~great~~ discrimination in the issue of licences containing such special authorisation and issue them only in ~~very~~ rare and exceptional cases. Copies of the licences so granted should be forwarded, without delay, to the Dt. Magte. of the C. & M. Station, Bangalore, for information.

(3) Persons not holding licences in form IV or V (granted under Rule 15 or 16, as the case may be, of the ~~Mysore~~ Rules) but not specially authorised to go armed as described in clause (2) above, should deposit their arms with the guard in charge of the train under the rule for the conveyance of the luggage of passengers. To draw the attention of the intending licence holders to this a foot note will be appended to the licences

This must Constitute a Separate para

SA

by the Master handing the
letter requiring the licensee
to hand over the arms to
the guard of the train as
mentioned above.

Secretary

10/4/09

To

The D. C. of Police in Lucknow
The Dt. Magts. of Dts.

B.G. 4609 Home Dept.

Proceedings of the Government of His Highness the Maharaja of Mysore, Judicial and Legislative (Police), dated 14th June 1909.

No. J. 3849-88—Police 130-07-9, dated Bangalore, 14th June 1909.

Order.—The following arrangement has been entered into by the Durbar with the Hon'ble the British Resident in Mysore in regard to the carriage of arms by passengers during journeys on railways over which criminal jurisdiction has been ceded to the British Government:—

1. Persons who are exempted from the provisions of Sections 8 to 11 of the Mysore Arms Regulation, may, as heretofore, retain their arms in their own immediate possession while travelling in a railway carriage within Mysore Territory.

2. Persons specially authorised either under Rule 15 or under Rule 16 of the Rules issued under the Mysore Arms Regulation to go armed in a railway carriage, may also retain their arms in their own possession while travelling by railway within the limits of the State.

Magistrates should exercise discrimination in the issue of licenses containing such special authorisation and issue them only in rare and exceptional cases. Copies of the license so granted should be forwarded without delay to the District Magistrate of the Civil and Military Station, Bangalore, for information.

3. Persons holding licenses in Form IV or V (granted under Rule 15 or 16, as the case may be, of the Rules) but not specially authorised to go armed as described in clause (2) above, should deposit their arms with the guard in charge of the train under the rules for the conveyance of the luggage of passengers.

4. To draw the attention of the license-holders to this requirement, a foot-note will be appended to the licenses requiring the licensee to hand over the arms to the guard of the train as mentioned above.

K. S. CHANDRASEKHARA AIYAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Inspector-General of Police in Mysore.
The District Magistrates of Districts.
All Heads of Departments.

Exd.—C. P. S.

1908-09

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

JUDICIAL AND LEGISLATIVE
(POLICE)

PROCEEDINGS

Dated 14th June 1909

No. J. 2849-88
Police 130-07-9

Ordering an arrangement which has been entered into by the Durbar with the Hon'ble the British Resident in Mysore in regard to the carriage of arms by passengers during journeys on railways over which criminal jurisdiction has been ceded to the British Government.

File no. 1307
Sl. no. 810

Notification

No. J 3889 / police 1800 7-10 dt 14/6/09

The following arrangement entered into by the Government of His Highness the Maharaja of Mysore with the Hon'ble the British Resident in Mysore [redacted] in regard to the carriage of arms by passengers within the State during journeys on railways, the criminal jurisdiction over which has been ceded to the British Govt., is hereby published for general information:-

Fr. 829 / 14.6.09 = Translated 14/6. Wm. 15/6. Mes 15/6.

(1) Persons who are exempted from the provisions of sections 8 to 11 of the Mysore Arms Regulation may as heretofore, retain their arms in their own immediate possession while travelling in a railway carriage.

P. T. O. 46

(2) Persons specially authorised either under rule 15 or 16 of the Rules issued under the Mysore Arms Regulation to go armed in a railway carriage will also be permitted to retain their arms in their own possession while travelling by rail within the limits of the State.

(3) Persons holding a license in form IV or V (granted under Rule 15 or 16, as the case may be, of the Mysore Arms Rules) but not specially authorised to go armed as described in clause (2) above, should deposit their arms with the guard in charge of the train under the rules for the conveyance of the luggage of passengers.

By Order

for Secretary

To The Compiler, Mysore Gazette for publication with Kannada translation

Mysore Gazette
17th June 1909
Part IV
Page 220

10/6/09

Mon
19/6

B.G.
6.4.09

31

Police

G.R.S. 26]

File No. 130-07

Serial No. 11

Diary No. of letter replied to _____

No. J 4038-42

924-6-09

General and Revenue Secretariat

( )

, the 190 .

To The D.C. Mayiladuthurai

Sir,

Date of issue 24-6-09

Signed by [illegible]

With reference to para 4 of Govt. Pro. no. J 3849-88-Police 130-07-9 dated the 14th June 09 I am directed to request that the following foot note be added to licences in forms IV & V prescribed in Rules 15 & 16 respectively of the Gunpowder Rules, 1998 issued by Mayiladuthurai on your D.C. -

"Note - Persons not specially authorised to go armed in Railway carriages, while travelling by

over.

SUBJECT.

18

rail within Imperial Territory, deposit their arms with the guard in charge of the train upon the racks for the conveyance of the luggage of passengers."

The Supdt., Govt. Press & Stationery Depot, has been asked to supply printed copies of these slips as indent.

I have &c.

for Secretary

94043 24/6/03

Copy to the Supdt., Govt. Press & Stationery Depot with the request that about 1800 slips of the note referred to may be caused to be printed & supplied to the ~~Dist~~ Magistrates. This direction should be inserted in the license forms IV & V that will be hereafter printed.

B. O.

for Secretary

List of enclosures.

Copied by 24/6

Examined by.

MGCPB—30,000—16-2-05